

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 8-12-69 (by deft.)

D. C. Form No. 106A Rev.

6

TITLE OF CASE

ATTORNEYS

Harris, Upham & Co., Incorporated,
A Corporation

vs

A. G. Bartlett

National Bank of Tulsa, a national banking
association, and A. G. Bartlett, III,
individually and as Trustee of the
Bartlett Family and Educational Trust

additional parties defendant
(8-5-71)

For plaintiff:

John M. Imel Villard Martin, Jr.
Martin, Logan, Moyers, Martin & Conway
920 National Bank of Tulsa Bldg.
Tulsa, Oklahoma 74103

For defendant:

J. Barlow Nelson
Houston, Klein & Davidson
900 Home Federal Building
Tulsa, Oklahoma 74103

R. Dobie Langenkamp
Atlas Building
Tulsa, Oklahoma

585-5541

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1	Clerk	7-2-69	Imel	15 00	
		7-3-69	C/D 1		15 00
		11-25-69	Nelson	5 00	
J.S. 6 mailed 11-1-69	Marshal	11-28-69	C/D 23		5 00
Basis of Action: Breach of contract	Docket fee				
	Witness fees				
Action arose at: Tulsa	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-2-69	Complaint, filed. Summons issued. m	
7-9-69	Summons returned and filed: served A. G. Bartlett at Tulsa, Okla. on 7-3-69. (USM \$3.00)g	
7-24-69	Application of defendant for extension of time within which to plead or answer, filed. b	
7-24-69	Order filed (a part of application) that defendant is given until August 12, 1969 within which to answer the complaint filed herein. (Luther Bohanon - Judge) b	
8-12-69	Answer, filed. m	
8-12-69	Deft's demand for jury trial, filed. m	
8-22-69	Minute Order: Case set for pre-trial hearing on Wed. 9-3-69 at 9:30 a.m. (LB-J)h	
9-3-69	Pre-trial hearing held. Pltf. to prepare pre-trial order within 10 days and parties to file briefs within 20 days. Case to be set for jury trial in October. (LB-J)m	
9-3-69	Ordered that case is set for jury trial on Monday 10-27-69 at 9:30 a.m. (LB-J)m	
9-12-69	Deposition of A. G. Bartlett, taken 9-3-69 on behalf of plaintiff, filed. (\$31.00)g	
9-22-69	Pre-Trial Order, filed. ds (LB-J)	
9-25-69	Deposition of Frank W. Heinrich, on behalf of defendant, taken on 9-3-69 by Thomas G. Bloxom, CSR, \$21.00 paid by defendant, filed. ds	
10-2-69	Defendant's trial brief, filed. b	
10-2-69	Plaintiff's memorandum brief, filed. ds	
10-27-69	Case called for jury trial. All parties present and represented. Jury returns a verdict for the plaintiff and fixes its damages in the amount of \$23,795.50. Pltf. to file motion and brief within 10 days for attorney fees and deft. to answer within 5 days. (LB-J)m	
10-27-69	Verdict, filed in open court. m	
10-27-69	Trial exhibits, filed. (Pltf's 1,2,3,6,7,8,9,10 - 3&4 not admitted)m	
10-27-69	Judgment, filed and entered, that plaintiff recover of defendant the sum of \$23,795.50 with interest thereon at the rate of 6% from 5-29-69, to date of judgment, 10-27-69, and at the rate of 10% from date of judgment, and cost of action. (LB-J) ds <i>(copies mailed attys)</i>	
11-4-69	Bill of costs, filed, and costs to be taxed by Clerk on Friday, 11-13-69 at 11:00 a.m. m	
11-26-69	Notice of Appeal, filed. js	
11-26-69	Cost Bond, filed, in the amount \$500.00, A. G. Bartlett "Principal" Tri-State Insurance Company as "Surety". js	
1-5-70	Order extending time to file and docket appeal until Feb. 1, 1970, filed. g (copies to USCA and counsel.)	
1-7-70	Transcript of Trial proceedings, filed in duplicate. e	
1-28-70	Appeal record in 2 vols. (orig. + 3 copies) forwarded to USCA, g	
1-27-71	Execution issued. m	
1-29-71	Mandate and Opinion of USCA, 10th Circuit, affirming judgment of 10-29-69, filed and spread of record. g	
2-8-71	Return of Execution. Service of A. G. Bartlett, returned unsatisfied. Made demands for said judgment. date of service. 2-8-71 (Fee \$6.84) filed. r	
2-8-71	Return of Execution. Served Paul Mindeman at Tulsa, Oklahoma on 2-3-71 (Fee \$3.00) Filed. r	
2-12-71	Execution issued. m	
2-17-71	Return of Execution. Served 4th Nat'l Bk. Made demands for said judgment; Return unsatisfied, place hold on checkng acct. #032-580-3 and Plug Safety Deposit Box #666. filed. r	

(Continued on Sheet No. 2, Page No. 3)

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2

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DATE	PROCEEDINGS	Date Order or Judgment Noted
4-15-71	✓ Application of plaintiff for order requiring judgment debtor to appear and answer concerning assets, filed. b	
4-15-71	✓ Plaintiff's brief in support of application for assets hearing, filed. b	
4-15-71	✓ Order for defendant to appear on May 3, 1971 at 9:00 A. M. and answer concerning assets, filed. (Luther Bohanon - Judge) b	
4-15-71	CC of above order issued for service return. b	
4-21-71	CC of order returned, filed - served A. G. Bartlett on 4-20-71 at Tulsa, Oklahoma. b	
4-27-71	Ordered that hearing on assets set for 5-3-71 is passed, to be set at a later date. (LB-J)m	
5-3-71	Order passing hearing to May 19, 1971 at 9:30 A.M. and ordered to appear at that time before the U.S. Magistrate and answer concerning property, filed. (LB-J)r <i>(Bartlett notified by Vice & Martin)</i>	
5-17-71	Subpoenae, returned & filed: served Areta J. Bartlett and Paul H. Mindeman at Tulsa, Ok. 5-14-71. (USM \$5.20)g	
5-14-71	Order authorizing subpoenas, filed. ds (MB)	
5-19-71	Case called for hearing on assets before U.S. Magistrate, Morris L. Bradford. Parties present and represented. Case continued to 6-16-71 at 9:30 a.m. to permit deft. to furnish requested documents to pltf. for inspection. (MLB-Magistrate)m	
6-10-71	Subpoena, ret. & filed: served First National Bank by serving James R. Meredith, 6-9-71. (USM \$2.00)g	
6-16-71	Case called for hearing on assets before Magistrate Bradford. Parties present and represented. Asset hearing resumed and concluded this date. (MLB-Magist.)m	
7-7-71	Application for order of levy, filed. v	
7-7-71	Order for hearing of plaintiff's application for an order of levy on 7-27-71 at 1:30 P.M., filed. (LB-J) v (copies mailed)	
7-7-71	Order to National Bank of Tulsa directing bank to hold sufficient assets in agency Trust of not less than \$32,000.00 until further order of Court, filed. (LB-J)m	
7-12-71	Ret. on service of writ, filed: Order to NBT served on Billie Cofee, Secy., Tulsa, Ok. 7-9-71. (USM \$3.00)g	
7-13-71	Ret. on service of writ, filed: Order to NBT served on Paul Mindeman Tulsa, Ok. 7-13-71. (USM \$3.00)g	
7-23-71	Application to dissolve order to National Bank of Tulsa, filed. m	
7-23-71	Motion of National Bank of Tulsa to dismiss for lack of jurisdiction, filed. m	
7-27-71	Plaintiff's memorandum in support of application for order of levy, filed. ds	
7-26-71	Brief in support of motion to dismiss and application to dissolve order to National Bank of Tulsa, filed. v	
7-27-71	Affidavit of Areta J. Bartlett, filed. v	
7-27-71	Case called for hearing on application for order of levy, application to dissolve order to NBT and motion of NBT to dismiss for lack of jurisdiction. Application for order of levy of execution against Bartlett family trust granted and pltf's attorney to prepare order. Court requires no bond. Application to dissolve order to NBT and motion of NBT to dismiss overruled. (LB-J)m	
8-5-71	Order, filed, that order dated 7-6-71 to NBT shall continue in effect without bond; that NBT and A.G. Bartlett, III individually and as Trustee of the Bartlett Family and Educational Trust are made additional parties deft; that A. G. Bartlett, III, as Trustee is ordered (over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	to appear or plead to pltf's application for order of levy on or before 11-1-71; that order shall be served on A.G. Bartlett, III, Trustee, and NBT. (LB-J)m (copies mailed parties)	
8-13-71	Application of deft. Bartlett for order and discharge, filed. m	
8-13-71	Order, filed, that orders of Court dated 7-6-71 and 7-27-71 are hereby rescinded and all defts. are released from further obligation to pltf. & discharged from further liability. (LB-J)m (copies mailed)	
9-20-71	Release and Satisfaction of Judgment, filed. v	